

UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of U.S. Serial No. 75/431,702

Mark: LOVING FAMILY

Date of Filing: February 10, 1998

-----X  
MICHAEL GLOSTER and  
VICTORIA GLOSTER, t/a  
GLOSTER MARKETING

Opposer

v.

RELIOS, INC., f/k/a CARLISLE  
JEWELRY COMPANY, INC.

Applicant.  
-----X

Opposition No. 113,487

CERTIFICATE OF EXPRESS MAIL  
UNDER 37 C.F.R. § 1.10

"Express Mail" mailing label number: EL 76429 7152 45

DATE OF DEPOSIT: 9/27/02

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service Under 37 C.F.R. §1.10 on the date indicated above and is addressed to: Assistant Commissioner for Trademarks, BOX TTAB, FEE, 2900 Crystal Drive, Arlington, VA 22202-3513.

  
Derrick Brown

**APPLICANT'S OPPOSITION TO OPPOSER'S MOTION TO SUSPEND**

In response to the Motion to Suspend filed by Michael Gloster, Victoria Gloster, and Gloster Marketing (collectively, the "Opposer"), Applicant Relios, Inc. f/k/a Carlisle Jewelry Company, Inc. ("Applicant") would show the Board the following:

The decision to suspend action on the present opposition is within the discretion of the Board. See 37 C.F.R. § 2.117. The present opposition has been pending since March 23, 1999. It would be highly inequitable to suspend action on this opposition now, some 3 ½ years after Opposer filed the present opposition.

Applicant has spent a significant amount of time, money, and effort to defend against Opposer's opposition. For example, Applicant has already engaged in the following actions, each of which were costly and time consuming:

(1) Researched, prepared, and filed a Motion to Dismiss on May 21, 1999, which has been ruled upon by the Board;

(2) Prepared and filed an Answer to Opposer's Notice of Opposition on January 27, 2000;

(3) Researched, prepared, and filed a Response to Opposer's Motion for Summary Judgment on June 11, 2001, which has been ruled upon by the Board;

(4) Prepared and filed an Answer to Opposer's Amended Notice of Opposition and researched, prepared, and filed a Counterclaim for Cancellation of Opposer's registrations at issue, and paid the requisite \$600 filing fee for such cancellation on November 27, 2001;

(5) Prepared and served Requests for Production and Interrogatories to Opposer on June 22, 2000;

(6) Reviewed and assessed Opposer's incomplete discovery answers and documents;

(7) Researched, prepared, and filed a Motion to Compel Opposer's answers to Applicant's discovery on July 31, 2002;

(8) Engaged in voluminous correspondence with Opposer's counsel over the past three years; and,

(9) Had several discussions regarding the potential for settlement of the Opposition with Opposer's counsel.

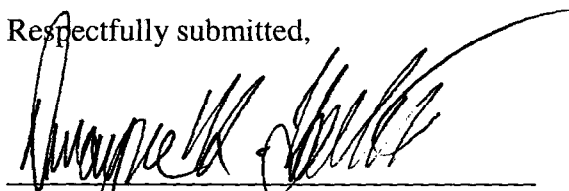
The foregoing non-exhaustive list demonstrates that Applicant has made a good faith and costly effort to defend against Opposer's opposition and resolve this matter before the Board.

In contrast, Opposer has done nothing to carry its burden of proof on the issues presented in this opposition. Once the discovery deadline passed, Opposer filed a civil trademark and copyright infringement action in the Eastern District of Pennsylvania.

In light of this procedural history, the Board should not grant Opposer's Motion to Suspend. Relios has exerted time, money and effort in the case, and is entitled to have the case proceed on the record before the Board. If Opposer saw fit to not establish a record on its behalf, that was its prerogative, but it is highly inequitable for Opposer to delay registration of Applicant's mark, cause Applicant undue expenditure of time and money over a 3 ½ year period, only to say at the end "never mind." Regardless of whether Opposer's opposition was merely a charade, Applicant is entitled to utilize the opposition proceedings, highlight the fact that Opposer has sought no discovery and submitted no proof, in order to establish Applicant's right to the registration at issue and to cancel Opposer's marks.

WHEREFORE, Applicant respectfully requests that Opposer's Motion to Suspend the present opposition be denied.

Respectfully submitted,



Eric B. Meyertons  
Texas State Bar No. 14004400  
Dwayne K. Goetzel  
Texas State Bar No. 08059500  
CONLEY, ROSE & TAYON, P.C.  
700 Lavaca, Suite 800  
Austin, Texas 78701  
(512) 476-1400 (telephone)  
(512) 703-1250 (facsimile)

**ATTORNEYS FOR APPLICANT  
RELIO, INC. F/K/A CARLISLE  
JEWELRY CO., INC.**

**CERTIFICATE OF SERVICE**

I hereby certify I caused a true and correct copy of the foregoing *Applicant's Opposition to Opposer's Motion to Suspend* to be served upon counsel for Opposer, as identified below, by first class mail, postage prepaid, this 27<sup>th</sup> day of September 2002.

Roberta Jacobs-Meadway  
Ballard, Spahr, Andrews & Ingersoll, L.L.P.  
1735 Market Street, 51st Floor  
Philadelphia, Pennsylvania 19103-7599

With a courtesy copy to:

Leon W. Silverman  
Stein & Silverman, P.C.  
230 S. Broad Street, 18<sup>th</sup> Floor  
Philadelphia, Pennsylvania 19102

  
\_\_\_\_\_  
Dwayne K. Goetzel

TTAB

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FILE: 5558-00401

September 27, 2002

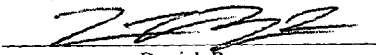


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Derrick Brown

Assistant Commissioner for Trademarks  
**BOX TTAB**  
**NO FEE**  
2900 Crystal Drive  
Washington, D.C. 22202-3513

Re: Michael Gloster et al. v. Relios, Inc., Opposition No. 113,487; In re Application Serial No. 75/431,702 for the Mark: LOVING FAMILY

Sir:

Enclosed for filing in connection with the above-identified matter are the following items:

1. Applicant's Opposition to Opposer's Motion to Suspend; and
2. One return postcard to acknowledge receipt of same. Please stamp and return this postcard to the undersigned.

Assistant Commissioner for Trademarks  
Trademark Trial and Appeal Board  
September 27, 2002  
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Should any additional fees be required in association with the above-referenced materials, the Commissioner is authorized to charge said fees to Conley, Rose & Tayon, P.C. Deposit Account No. 501505/5558-00401/DKG.

Sincerely,

A handwritten signature in black ink, appearing to read "Dwayne K. Goetzel", written over the typed name.

Dwayne K. Goetzel

DKG/kn  
Enclosures

cc: Roberta Jacobs-Meadway (w/encl.)  
Leon W. Silverman (w/encl.)